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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

BAUM, RONALD

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,220

Applicant(s)

KURODA ET AL

Examiner

Ronald Baum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/10/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in reply to applicant's correspondence of 10 January 2005.
2. Claims 1- 26 are pending for examination.
3. Claims 1- 26 remain rejected.

Specification

4. The disclosure objections are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The claims 12,14,16,18,20,24 rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugahara, U.S. Patent 6,483,873.

7. As per claim 1; “A copyright protection method [col. 1, lines 10-17] for adding copy control information to an information signal in association with contents which are protected under copyright, the method comprising the processes of:

adding attributive information representing the attribution of a predetermined apparatus to the information signal when the information signal is propagated via the apparatus; and

controlling the recording of the information signal on the basis of

the copy control information and

the attributive information. [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); ‘providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus...’]”.

8. Claim 2 *additionally recites* the limitation that; “The copyright protection method according to claim 1, wherein the attributive information is added by a reproduction apparatus

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for reproducing the information signal in association with the contents from a recording medium.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); “... the invention provides a reproduction protection method comprising: attaching medium protection data to main data which are conveyed by a data medium, said main data representing an original signal; supplying the main data and medium protection data, via the data medium, to a reproduction apparatus; generating apparatus protection data by the reproduction apparatus; determining a protection level by combining the medium protection data and the apparatus protection data; and controlling the reproduction apparatus to utilize the main data to reproduce the original signal in accordance with the protection level.”).

9. Claim 3 *additionally recites* the limitation that; “The copyright protection method according to claim 2, wherein the process of controlling the recording of the information signal is a process to forbid the recording the information signal in the case that the copy control information represents a code for allowing the copy of the contents only once and the attributive information represents the attribution of the reproduction apparatus.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”).

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10. As per claim 4; “A reproducing method for reproducing an information signal in association with contents, which are protected under copyright, from a recording medium in accordance with copy control information, the method comprising the processes of:

adding the attributive information representing the attribution of a reproduction apparatus to the information signal when the information signal is reproduced [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); ‘providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus...’]; and

outputting the information signal to the exterior [(i.e., col. 1, lines 25-29), whereas the content is clearly outputted when it is viewed, heard or copied].”;

Further, as per claim 5, this claim is the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

11. Claim 6 ***additionally recites*** the limitation that; “The reproduction apparatus according to claim 5, wherein the adding device replaces a portion of a digital signal in association with the

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contents with data in accordance with a predetermined pattern in association with the attributive information.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); “... the invention provides a reproduction protection method comprising: attaching medium protection data to main data ... via the data medium, to a reproduction apparatus; generating apparatus protection data by the reproduction apparatus; determining a protection level by combining the medium protection data and the apparatus protection data; and controlling the reproduction apparatus to utilize the main data to reproduce the original signal in accordance with the protection level.” Clearly involves inserting said copy control information into the data stream in an inherently formatted form (i.e., predetermined pattern).).

12. As per claim 7; “A recording method for recording an information signal in association with contents, which are protected under copyright, in a recording medium in accordance with copy control information, the method comprising the processes of:

discriminating

the copy control information of the information signal and

the attributive information representing a predetermined apparatus, via which the information signal is propagated; and

controlling the recording of the information signal on the basis of the discrimination result [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); ‘providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording

medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus...’, and further; (i.e., col. 1, lines 25-29, col. 5, lines 19-62), the content being viewed, heard or *copied*, whereas the process of copying clearly encompasses recording.].”;

Further, as per claim 9, this claim is the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection above.

13. Claim 8 ***additionally recites*** the limitation that; “The recording method according to claim 7, wherein the process of controlling the recording of the information signal is a process to forbid the recording of the information signal in association with the contents in the case that the copy control information represents a code for allowing the copy of the contents only once and the attributive information represents the attribution of the reproduction apparatus.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”.);

Further, as per claim 10, this claim is the system claim for the method claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection.

14. As per claim 11; "A copyright protection method for adding copy control information to an information signal in association with contents which are protected under copyright, the method comprising the processes of:

performing an error correction by replacing information at a recording position set in advance with a predetermined attributive information when an information signal, in which error correction codes when the information is replaced with the predetermined attributive information are added, is reproduced from a recording medium; and

controlling the recording and the reproduction of the information signal on the basis of the copy control information and

the predetermined attributive information. [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); 'providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus...', and

further, whereas ‘...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15*b*...is to selectively produce a *degree of blurring*... (i.e., col. 8,lines 18-col. 12,line 4)’ are all aspects of reproduction related error insertion, manipulation of the data, and subsequent correction upon reproduction/recording/copying, etc.]”.

15. Claim 12 ***additionally recites*** the limitation that; “The copyright protection method according to claim 11, wherein the predetermined attributive information has a size exceeding a maximum data size in which the error correction can be performed.”.

The teachings of Sugahara suggest such limitations (col. 8,lines 18-col. 12,line 4, whereas the examiner assumes for the sake of applying art that “size exceeding the range of correction” will encompass the arbitrary state of error detection whereas the error has been detected because the number of data bits during (for example); “...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15*b*...is to selectively produce a *degree of blurring*... (i.e., col. 8,lines 18-col. 12,line 4)” error correction would exceed the non-error data state.).

16. Claim 13 ***additionally recites*** the limitation that; “The copyright protection method according to claim 11, wherein the process of controlling the recording and the reproduction of the information signal is a process to forbid the recording of the information signal in the case that the copy control information represents a code for allowing the copy of the contents only

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once and the predetermined attributive information is detected in the recording position set in advance.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”).

17. Claim 14 *additionally recites* the limitation that; “The copyright protection method according to claim 12, wherein the process of controlling the recording and the reproduction of the information signal is a process to forbid the recording of the information signal in the case that the copy control information represents a code for allowing the copy of the contents only once and the predetermined attributive information is detected in the recording position set in advance.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”).

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18. As per claim 15; “A reproducing method for reproducing an information signal in association with contents, which are protected under copyright, from a recording medium in accordance with copy control information, the method comprising the processes of:

performing an error correction by replacing information at a recording position set in advance, with a predetermined attributive information when an information signal, in which error correction codes when the information is replaced with the predetermined attributive information are added, is reproduced from a recording medium [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); ‘providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus... ’, and further, whereas ‘...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15b... is to selectively produce a *degree of blurring*... (i.e., col. 8, lines 18-col. 12, line 4)’ are all aspects of reproduction related error insertion, manipulation of the data, and subsequent correction upon reproduction/recording/copying, etc.]; and

outputting a reproduction signal to the exterior [(i.e., col. 1, lines 25-29), whereas the content is clearly outputted when it is viewed, heard or copied].”;

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Further, as per claim 17, this claim is the system claim for the method claim 15 above, and is rejected for the same reasons provided for the claim 15 rejection.

19. Claim 16 *additionally recites* the limitation that; “The reproducing method according to claim 15, wherein the predetermined attributive information has a size exceeding a maximum data size in which the error correction can be performed.”.

The teachings of Sugahara suggest such limitations (col. 8, lines 18-col. 12, line 4, whereas the examiner assumes for the sake of applying art that “size exceeding the range of correction” will encompass the arbitrary state of error detection whereas the error has been detected because the number of data bits during (for example); “...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15b...is to selectively produce a *degree of blurring*... (i.e., col. 8, lines 18-col. 12, line 4)” error correction would exceed the non-error data state.).

Further, as per claim 18, this claim is the system claim for the method claim 16 above, and is rejected for the same reasons provided for the claim 16 rejection.

20. As per claim 19; “A recording method for recording an information signal in association with contents, which are protected under copyright, in a recording medium in accordance with copy control information, the method comprising the processes of:

discriminating

the copy control information of

the information signal and

predetermined attributive information;
controlling the recording of the information signal on the basis of the discrimination result; and
adding error correction codes to the information signal, the error correction codes being ones when information at a recording position set in advance is replaced with the predetermined attributive information [col. 1, lines 20-col. 8, line 17, whereas (i.e., col. 2, lines 21-39); 'providing a reproduction protection method and apparatus whereby information specifying a degree of restriction of reproduction of an original signal is conveyed (e.g. by a recording medium or signal transmission medium) together with data expressing the original signal, whereby information specifying a degree of restriction of reproduction of the original signal are generated by a reproduction apparatus which operates on the conveyed data, and whereby information specifying a degree of restriction which is actually applied to reproduction of the original signal is derived based on a combination of the restriction information conveyed by the data medium and the restriction information generated by the reproduction apparatus... ', and further, whereas '...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15b...is to selectively produce a *degree of blurring*... (i.e., col. 8, lines 18-col. 12, line 4)' are all aspects of reproduction related error insertion, manipulation of the data, and subsequent correction upon reproduction/recording/copying, etc., and further; (i.e., col. 1, lines 25-29, col. 5, lines 19-62), the content being viewed, heard or *copied*, whereas the process of copying clearly encompasses recording.]”;

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Further, as per claim 23, this claim is the system claim for the method claim 19 above, and is rejected for the same reasons provided for the claim 19 rejection.

21. Claim 20 *additionally recites* the limitation that; “The recording method according to claim 19, wherein the predetermined attributive information has a size exceeding the range of correction capability of an error correction using the error correction codes.”.

The teachings of Sugahara suggest such limitations (col. 8, lines 18-col. 12, line 4, whereas the examiner assumes for the sake of applying art that “size exceeding the range of correction” will encompass the arbitrary state of error detection whereas the error has been detected because the number of data bits during (for example); “...reproduction limitation is controlled by *controlling the accuracy* of inverse DCT...*dequantization* in the dequantizer section 15*b*...is to selectively produce a *degree of blurring*... (i.e., col. 8, lines 18-col. 12, line 4)” error correction would exceed the non-error data state.);

Further, as per claim 24, this claim is the system claim for the method claim 20 above, and is rejected for the same reasons provided for the claim 20 rejection.

22. Claim 21 *additionally recites* the limitation that; “The recording method according to claim 19, wherein the process of controlling the recording of the information signal is a process to forbid the recording of the information signal in the case that the copy control information represents a code for allowing the copy of the contents only once and the predetermined attributive information is detected in the recording position set in advance.”.

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The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”.);

Further, as per claim 25, this claim is the system claim for the method claim 21 above, and is rejected for the same reasons provided for the claim 21 rejection.

23. Claim 22 *additionally recites* the limitation that; “The recording method according to claim 20, wherein the process of controlling the recording of the information signal is a process to forbid the recording of the information signal in the case that the copy control information represents a code for allowing the copy of the contents only once and the predetermined attributive information is detected in the recording position set in advance.”.

The teachings of Sugahara suggest such limitations (col. 1, lines 20-col. 8, line 17, whereas “information specifying a degree of restriction of reproduction of an original signal (i.e., col. 2, lines 21-39)”, and, “medium protection data...the apparatus protection level.. plurality of values...different degrees of limitation (col. 5, lines 65-col. 6, line 43)” are broadly interpreted to correspond to “forbid[ing] the recording the information signal”.).

Further, as per claim 26, this claim is the system claim for the method claim 22 above, and is rejected for the same reasons provided for the claim 22 rejection.

Response to Amendment

24. As per applicant's argument concerning the lack of teaching by Sugahara of signal "output from the apparatus", the examiner has fully considered the arguments and finds them not to be persuasive. The use of the phrase "propagated via the apparatus" in the claim language of claim 1, as broadly interpreted by the examiner, doesn't explicitly specify external propagation, and in fact does not explicitly specify the 'where' of which the propagation is concerned with; just that said signal is propagated, which it will inherently do as an electrical signal.

25. As per applicant's argument concerning the lack of teaching by Sugahara of controlling signals for protection (i.e., of recording, etc.) consisting of apparatus and copy control information, the examiner has fully considered the arguments and finds them not to be persuasive. As described above, the lack of specificity as to where the propagation of the signal is 'to', in the claim language of claim 1, as broadly interpreted by the examiner, allows for the interpretation of the signal in context to internal workings of the Sugahara (i.e., figure 1) 'medium protection signal ...' and 'apparatus protection signal ...' rejection aspects. Therefore, the claims *reciting claim language* specifically dealing with the phrase '... propagation ...' per se, is sufficiently broad such that the Sugahara aspects of the signals involved, would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

27. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100